

R. Rex Parris (SBN 96567)
rrparris@rrexparris.com
Kitty K. Szeto (SBN 258136)
kszeto@rrexparris.com
John M. Bickford (SBN 280929)
jbickford@rrexparris.com
Eric N. Wilson (SBN 291815)
ewilson@rrexparris.com
R. REX PARRIS LAW FIRM
43364 10th Street West
Lancaster, California 93534
Telephone: (661) 949-2595
Facsimile: (661) 949-7524

Attorneys for Plaintiff, the Putative Class,
and the Aggrieved Employees

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SHARON POLE; individually, and on
behalf of other members of the putative
class, and on behalf of aggrieved
employees pursuant to the Private
Attorney General Act ("PAGA"),

Plaintiff,

v.

ESTENSON LOGISTICS, LLC, a
Nevada corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No. 2:15-cv-07196-DDP-E

CLASS ACTION

**DECLARATION OF JOHN M.
BICKFORD**

Date: July 18, 2016
Time: 10:00 a.m.
Courtroom: 3
Judge: Hon. Dean D. Pregerson

DECLARATION OF JOHN M. BICKFORD

I, John M. Bickford, declare as follows:

1. I am an attorney duly licensed to practice before all courts of the State of California and an associate at the R. Rex Parris Law Firm, attorneys of record for Plaintiff Sharon Pole ("Plaintiff"). I am providing this declaration in support of Plaintiffs' Response to Defendant Estenson Logistics, LLC's ("Estenson") Notice of Newly Acquired Facts.

2. On July 8, 2016, Plaintiff took the rule 30(b)(6) deposition of Estenson on the alleged releases. Michelle **Alexander** testified on behalf of Estenson. Attached hereto as **Exhibit "A"** are true and correct copies of various excerpts from this deposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 15th day of July 2016, at Lancaster, California.

/s/ John M. Bickford

John M. Bickford

EXHIBIT “A”

MICHELLE ALEXANDER
POLE vs. ESTENSON

July 08, 2016

1

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3 SHARON POLE, individually and on
4 behalf of other members of the
5 putative class, and on behalf of
6 aggrieved employees pursuant to
the Private Attorney General
Act, ("PAGA"),

No.
2:15-cv-07196-DDP-E

7 Plaintiffs,

8 vs.

9 ESTENSON LOGISTICS, LLC, a
10 Nevada corporation; and DOES 1
through 100 inclusive,

11 Defendants.

~~~~~

12  
13  
14  
15 DEPOSITION OF

16 MICHELLE ALEXANDER

17  
18 JULY 8, 2016

19 10:29 A.M.

20  
21  
22 3800 N. Central Avenue, Suite 1700

23 Phoenix, Arizona

24 SOMMER E. GREENE, CSR, RPR, CR No. 50622



MICHELLE ALEXANDER  
POLE vs. ESTENSON

July 08, 2016

2

1 APPEARANCES OF COUNSEL

2 For Plaintiffs:

3 R. REX PARIS LAW FIRM  
4 JOHN M. BICKFORD, ESQ.  
5 43364 10th Street West  
6 Lancaster, California 93534  
7 661.949.2595  
8 Jbickford@rrexparris.com

9 For Defendant:

10 LITTLER MENDELSON  
11 MARLENE S. MURACO, ESQ.  
12 50 West San Fernando Street, 15th Floor  
13 San Jose, California 95113  
14 408.998.4150  
15 Mmuraco@littler.com

MICHELLE ALEXANDER  
POLE vs. ESTENSON

July 08, 2016  
45

1           A.     I don't -- don't recall it being portioned by  
2     the claims. What it was portioned by was the amount of  
3     work -- weeks worked as a fleet manager during that class  
4     period.

5           Q.     Okay. Has Estenson sent a check to the  
6     California Labor Workforce Development Agency?

7           A.     No.

8           Q.     Specifically has Estenson sent a check of 75  
9     percent of \$260,413.94 to the California Labor Workforce  
10    Development Agency?

11          A.     No.

12          Q.     Have you ever heard of the California Labor  
13    Workforce Development Agency? Sometimes it's referred to  
14    as the LWDA.

15          A.     Probably but...

16          Q.     You say "probably." Why do you say that?

17          A.     Well, because we operate in California. So  
18    I've probably heard it, but we have not sent a check to  
19    them.

20          Q.     Okay. 75 percent of \$260,413.94 is what? Do  
21    you have a calculator? Do you want to do some math? I  
22    can give you my phone.

23          A.     I don't know.

24          Q.     Do you have a phone with you?

25          A.     I do.



MICHELLE ALEXANDER  
POLE vs. ESTENSON

July 08, 2016  
46

1 Q. You want to pull it out?

2 A. You want me to pull it out?

3 Q. Absolutely. She's pulling out her phone  
4 because no person should be required to do that kind of  
5 math by hand in a deposition.

6 A. And if they can, they are in the wrong place.

7 Q. So you have the number. Right?

8 A. Yes.

9 Okay. And you said 75 percent. Correct?

10 Q. Uh-huh. So what is that?

11 A. I got 1,900 -- I'm sorry -- \$195,310.46.

12 Q. Forty-six cents. Okay. So was any check sent  
13 to the LWDA in that amount?

14 A. No.

15 Q. Okay. To your knowledge, did Estenson get  
16 court approval for each of the individual settlements?

17 A. Not to my knowledge.

18 Q. Who would know that?

19 A. I would have to refer to counsel on that.

20 Q. Okay. But you would believe you would know  
21 that if that happened. Right?

22 A. Correct.

23 Q. Okay.

24 MS. MURACO: You would know that if that  
25 happened. Right?



MICHELLE ALEXANDER  
POLE vs. ESTENSON

July 08, 2016  
63

1 A. Okay.

2 Q. So this will be -- just so we're using -- I put  
3 7 on that for you. I'm going to do that on mine.

4 (Exhibit 7 was marked for identification.)

5 Q. BY MR. BICKFORD: Okay. So this is another  
6 settlement agreement and release. It also says for  
7 current employees. This one actually is for a current  
8 employee. Correct? It's Omar Amancio?

9 A. Correct.

10 Q. Okay. And you just remembered that that guy is  
11 a current employee?

12 A. I do know that.

13 Q. So now we can do this without using a right  
14 one.

15 Okay. So Omar still works at the company.  
16 Right?

17 A. Correct.

18 Q. As part of this settlement agreement, was Omar  
19 or any other current fleet manager reclassified as a  
20 nonexempt employee?

21 A. No.

22 Q. Okay. So as of right now, you know, all  
23 current employees signed, but all current employees are  
24 still salaried employees?

25 A. Correct.





MICHELLE ALEXANDER  
POLE vs. ESTENSON

July 08, 2016  
139

1 Pole v. Estenson  
2 ASSIGNMENT NUMBER 392113

3 DECLARATION UNDER PENALTY OF PERJURY

4 I declare under penalty of perjury that I  
5 have read the entire transcript of my deposition taken in  
6 the above-captioned matter or the same has been read to  
7 me, and the same is true and accurate, save and except  
8 for changes and/or corrections, if any, as indicated by  
9 me on the DEPOSITION ERRATA SHEET hereof, with the  
10 understanding that I offer these changes as if still  
11 under oath.

12  
13 Signed on the \_\_\_\_\_ day  
14 of \_\_\_\_\_ 20\_\_.

15  
16  
17  
18 \_\_\_\_\_  
19 MICHELLE ALEXANDER  
20  
21  
22  
23  
24  
25